

## **FY 2002 STATE AND TRIBAL ENFORCEMENT GRANT PROGRAM OVERVIEW OF PROPOSED PROGRAM, 08/02/01**

This paper describes a proposed approach for the State and Tribal Enforcement Grant Program included in the President's FY 2002 Budget. The approach has been developed after extensive outreach to state and tribal representatives.

### **OUTREACH ON GRANT PROGRAM DESIGN**

- During the month of May EPA gathered feedback on the design of the proposed grant program from 46 states; 15 tribes; and summaries of meetings with tribes in regions 1, 4, and 5. EPA also solicited feedback from national associations representing state and tribal interests such as the Environmental Council of the States, the National Governors Association, National Association of Attorneys General, the National Tribal Operations Caucus, and five media specific associations (e.g., STAPPA/ALAPCO, ASWIPCA, AAPCO).

### **KEY FEATURES**

- Grants to be used to **address environmental problems** (i.e., environmental risks and noncompliance patterns) using enforcement and compliance assurance tools such as assistance, incentives, inspections, and enforcement actions.
- Program will be **performance-based** requiring states to measure and report results and outcomes achieved through use of grant funds.
- Program will provide **state and tribal flexibility** regarding selection of environmental problem and the approach to addressing it.
- Program **design based on state and tribal comments** regarding which agencies should be eligible to apply for or receive funds, how funds would be used and allocated, and how program will be administered.

### **ELIGIBILITY FOR FUNDS**

#### **Applicant Eligibility**

- State or tribe can submit one consolidated application proposal from a lead agency with delegated authority.

#### **Recipient Eligibility**

- Wide range of state or tribal agencies can receive funds as part of application proposal – environmental, agriculture, public health, attorneys general, local government agencies.

### **ELEMENTS OF PROGRAM**

#### **Competitive Grants (\$12,000,000)**

- Funds awarded only for **problem-based strategies**. Problem defined by state or tribe and could be media-specific, multi-media, based in an industrial sector, targeted toward single or multiple pollutants, centered in a geographic area, or focused on a disadvantaged community.
- Strategy would need to describe how assistance, self-auditing incentives, inspections and

- enforcement actions would be used individually or in combination to address the problem.
- Strategy would also include outcome-based goals and measures of performance (e.g., pounds of pollutants reduced, valid rates of compliance).
  - Grant amounts would range from \$250,000 to \$1,000,000. Proposals would be reviewed and approved by EPA headquarters and regional panel.

#### **Equal Share Grants (\$11,000,000)**

- Funds awarded for **problem-based strategies** (see above) or **problem-based program improvements**. Program improvements would be funded only if they have a tangible connection to an environmental problem, and the proposal specifies how the improvement contributes to addressing the environmental problem.
- Approximately \$200,000 would be made available to each state/territory, but to receive funds they must submit a proposal for review and approval by EPA regional office.
- Examples of program improvements that could be funded include: increase the number of inspectors or inspections in an industry sector with a history of noncompliance; acquire additional attorneys to take enforcement cases to correct a pattern of violations; obtain specialized training or expertise to improve investigation capability; develop and deliver a compliance assistance program to improve small business compliance.

#### **Tribal Set-Aside (\$2,000,000, 8% of total)**

- Approved proposals from tribes would be funded within the set-aside. Tribes can use funds for problem-based strategies or program improvements.
- Tribes would also be allowed to compete with states for the competitive grants.